

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 723

Introduced by Assembly Member Rendon

February 25, 2015

An act to add Section 17921.2 to the Health and Safety Code, relating to building standards; amend Sections 1101.4 and 1101.5 of the Civil Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Rendon. ~~Plumbing fixtures: WaterSense standards. Rental property: plumbing fixtures: replacement.~~

Existing law requires, on and after January 1, 2017, replacement by the property owner of noncompliant plumbing fixtures in any single-family residential real property. Existing law requires, on and after January 1, 2019, replacement of noncompliant plumbing fixtures in multifamily residential real property and commercial real property, as specified.

This bill would require the lease of a single-family residential real property or any portion of a multifamily residential real property or commercial real property that is entered into, renewed, or amended after January 1, 2016, to contain a provision in which the property owner states his or her responsibility to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures on or before January 1, 2017, or January 1, 2019, respectively. The bill would

authorize any party, including a city, county, or water supplier to enforce that lease provision.

~~Prior law, until January 1, 2014, required manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It required these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year. A violation of these requirements is a misdemeanor.~~

~~This bill would require the California Energy Commission, when setting plumbing fixture water efficiency standards, to consider the performance requirements established by the WaterSense standards set by the federal Environmental Protection Agency.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 1101.4 of the Civil Code is amended to*
- 2 *read:*
- 3 1101.4. (a) On and after January 1, 2014, for all building
- 4 alterations or improvements to single-family residential real
- 5 property, as a condition for issuance of a certificate of final
- 6 completion and occupancy or final permit approval by the local
- 7 building department, the permit applicant shall replace all
- 8 noncompliant plumbing fixtures with water-conserving plumbing
- 9 fixtures.
- 10 (b) On or before January 1, 2017, noncompliant plumbing
- 11 fixtures in any single-family residential real property shall be
- 12 replaced by the property owner with water-conserving plumbing
- 13 fixtures.
- 14 (c) On and after January 1, 2017, a seller or transferor of
- 15 single-family residential real property shall disclose in writing to
- 16 the prospective purchaser or transferee the requirements of
- 17 subdivision (b) and whether the real property includes any
- 18 noncompliant plumbing fixtures.
- 19 (d) *The lease of any single-family residential real property that*
- 20 *is entered into, renewed, or amended on or after January 1, 2016,*

1 *shall contain a provision in which the property owner shall state*
2 *his or her responsibility to replace all noncompliant plumbing*
3 *fixtures with water-conserving plumbing fixtures on or before*
4 *January 1, 2017. That provision may be enforced by a city, county,*
5 *city and county, water supplier, or any other party.*

6 SEC. 2. *Section 1101.5 of the Civil Code is amended to read:*

7 1101.5. (a) On or before January 1, 2019, all noncompliant
8 plumbing fixtures in any multifamily residential real property and
9 in any commercial real property shall be replaced with
10 water-conserving plumbing fixtures.

11 (b) An owner or the owner's agent may enter the owner's
12 property for the purpose of installing, repairing, testing, and
13 maintaining water-conserving plumbing fixtures required by this
14 section, consistent with notice requirements of Section 1954.

15 (c) On and after January 1, 2019, the water-conserving plumbing
16 fixtures required by this section shall be operating at the
17 manufacturer's rated water consumption at the time that the tenant
18 takes possession. A tenant shall be responsible for notifying the
19 owner or owner's agent if the tenant becomes aware that a
20 water-conserving plumbing fixture within his or her unit is not
21 operating at the manufacturer's rated water consumption. The
22 owner or owner's agent shall correct an inoperability in a
23 water-conserving plumbing fixture upon notice by the tenant or if
24 detected by the owner or the owner's agent.

25 (d) (1) On and after January 1, 2014, all noncompliant plumbing
26 fixtures in any multifamily residential real property and any
27 commercial real property shall be replaced with water-conserving
28 plumbing fixtures in the following circumstances:

29 (A) For building additions in which the sum of concurrent
30 building permits by the same permit applicant would increase the
31 floor area of the space in a building by more than 10 percent, the
32 building permit applicant shall replace all noncompliant plumbing
33 fixtures in the building.

34 (B) For building alterations or improvements in which the total
35 construction cost estimated in the building permit is greater than
36 one hundred fifty thousand dollars (\$150,000), the building permit
37 applicant shall replace all noncompliant plumbing fixtures that
38 service the specific area of the improvement.

39 (C) Notwithstanding subparagraph (A) or (B), for any alterations
40 or improvements to a room in a building that require a building

1 permit and that room contains any noncompliant plumbing fixtures,
2 the building permit applicant shall replace all noncompliant
3 plumbing fixtures in that room.

4 (2) Replacement of all noncompliant plumbing fixtures with
5 water-conserving plumbing fixtures, as described in paragraph (1),
6 shall be a condition for issuance of a certificate of final completion
7 and occupancy or final permit approval by the local building
8 department.

9 (e) On and after January 1, 2019, a seller or transferor of
10 multifamily residential real property or of commercial real property
11 shall disclose to the prospective purchaser or transferee, in writing,
12 the requirements of subdivision (a) and whether the property
13 includes any noncompliant plumbing fixtures. This disclosure may
14 be included in other transactional documents.

15 (f) *The lease of any portion of a multifamily residential real*
16 *property or commercial real property that is entered into, renewed,*
17 *or amended on or after January 1, 2016, shall contain a provision*
18 *in which the property owner shall state his or her responsibility*
19 *to replace all noncompliant plumbing fixtures with*
20 *water-conserving plumbing fixtures on or before January 1, 2019.*
21 *That provision may be enforced by a city, county, city and county,*
22 *water supplier, or any other party.*

23 ~~SECTION 1. Section 17921.2 is added to the Health and Safety~~
24 ~~Code, to read:~~

25 ~~17921.2. When setting plumbing fixture water efficiency~~
26 ~~standards, the California Energy Commission shall consider the~~
27 ~~performance requirements established by the United States~~
28 ~~Environmental Protection Agency WaterSense standards.~~